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MAY 18 2007

In re Application of :
Lawrence J. Ayling :
Application No. 10/780,796 :
Filed: February 18, 2004 :
Attorney Docket No. AYL-1-Cont-2 :

**OFFICE OF PETITIONS
DECISION
ON PETITION**

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 16, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before September 22, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed June 22, 2006. Accordingly, the date of abandonment of this application is September 23, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) 2.

The petition does not satisfy the requirements of 37 CFR 1.137(b) in that petitioner has not supplied (1) the reply in the form of payment of the issue fee of \$1400 and the publication fee of \$300, (2) the petition fee of \$1500. Although an attempt was made to pay said fees, the fees were returned on January 30, 2007 for a bounced check and the attorney's deposit account 50-0765 does not have sufficient funds to cover the fees quoted above.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the April Wise at (571) 272-1642.



Irvin Dingle

Petitions Examiner
Office of Petitions